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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,718

11/13/2003

Jamal Benbrahim

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9284

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EXAMINER

OMOTOSHO, EMMANUEL

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

09/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/712,718

**Applicant(s)**

BENBRAHIM ET AL.

**Examiner**

Emmanuel Omotosho

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/21/07</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow et al. ("Morrow") US Publication No. 2004/0054952 A1 and further in view of Sarbin et al. ("Sarbin") US Patent No. 5,179,517.

2. Morrow discloses:

- a. A gaming machine system comprising a display unit that is capable of generating video images (Fig 4), a value input device (Fig 4 Par. 0057), a storage device adapted to read from and write to a removable storage memory (Claim 100, 106 Page 2 Par. 0013).
- b. Morrow's Par. 0013 teaches that the removable storage memory (persistent memory) could either be a type DVD, CD, floppy, a removable hard disk, zip disk, flash memory or a hard card device.
- c. A controller operatively coupled to said display unit, said value input device and storage device said controller comprising a processor and a memory operatively coupled to said processor (Page 7 Par 0056-0059).
- d. Said controller being programmed to record information regarding said gaming apparatus on said removable storage memory that is different from the

memory coupled to the processor (Claim 100, 106 Page 2 Par. 0013 Page 7 Par 0056-0061). Said gaming apparatus is operable when said removable storage memory is removed from said gaming apparatus.

e. Said gaming apparatus comprises crash data information selected by a casino operator, said crash data information resulting from a gaming apparatus failure. Since operating system, application system, mechanical and electrical components are part of the gaming system; the Examiner is interpreting the operating system failure, application software failure, a mechanical failure and an electrical failure/malfunction as error events that referred to as system events in Morrow's disclosure (Page 7 Par. 0057, Page 8 Par. 0061).

f. Storing the pre-selected gaming apparatus data into a battery packed memory since battery packed memory are well known in the art to be persistent storage media.

g. Said memory coupled to the processor includes a transferable portion for storing said information regarding said gaming apparatus, and wherein said controller is programmed to transfer said transferable portion from said memory operatively coupled to said processor to said removable storage memory (Claim 99).

h. Said system comprising a plurality of gaming apparatuses being interconnected to form a network of gaming apparatuses (Page 7 Par. 0054)

3. Morrow fails to specifically disclose:

i. Said controller programmed to allow a person to make a wager

- j. Said controller programmed to cause a video image representing a casino type game to be generated. Casino type game such as video poker, video blackjack, video slots, video keno, or video bingo
  - k. Said controller being programmed to determine a value payout associated with an outcome of said game
4. However, in a similar inventive environment, Sarbin discloses a gaming machine comprising a data transfer system that operates by collecting data (such as game machine malfunction data) from game machines and transferring said data to a portable memory medium such as a smart card (Abstract). Sarbin further disclose:
- l. A controller programmed to allow a person to make a wager (Col 3 lines 35-40)
  - m. Said controller programmed to cause a video image representing a casino type game to be generated. Casino type game such as video poker, video blackjack, video slots, video keno, or video bingo (Col 3 lines 35 - 49)
  - n. Said controller being programmed to determine a value payout associated with an outcome of said game (Col 3 lines 35-42)
5. Morrow discloses that the invention is applicable to a casino type environment (Morrow's Fig 4, Page 1 Par 0003). It would have been obvious to someone of ordinary skill in the art to modify Morrow's system with Sarbin's teachings in a casino environment to collect gaming machine diagnostic related information for maintenance and system analyzation reasons.

***Response to Arguments***

6. This is in response to the arguments/amendments filed 06/20/07, in which claim 36 was amended and the below arguments were made.

7. Applicant's arguments filed 06/20/07 have been fully considered but they are not persuasive.

8. Applicant argues that the gaming machine according to Morrow and Sarbin is not configured to be operable when the removable storage unit is removed. The examiner respectfully disagrees. As shown above, Morrow teaches the gaming data being stored on the memory of the gaming device (Par 21). Moreover, the Morrow teaches that the gaming data could be stored on a persistent media such as a CD-ROM or CD-RW (Par 22). Removing the CD-ROM does not impact the operation of the gaming device in anyway since it is just an optional transfer of gaming data from the gaming machine memory to the persistent storage media.

9. Applicant further argues that the action does not address the limitations of claim 11 and 22 (e.g., "said gaming apparatuses are interconnected via the internet). However, the examiner respectfully disagrees. The examiner addresses these issues at Par 2 section H of the office action.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is (571) 272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER